

November 21, 2006

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654  
Email: [hearex@metrokc.gov](mailto:hearex@metrokc.gov)

**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L04P0029**  
Proposed Ordinance No. **2006-0471**

**WOODIN CREEK ESTATES**  
Preliminary Plat Application

Location: 14235 Northeast 171st Street, south of the Northeast 171st Street and  
143rd Place Northeast intersection, Woodinville

Applicant: **Dreamcatcher Homes**  
Attn: Jihad Keirouz  
13407 – 51st Avenue West  
Edmonds, Washington 98026  
Telephone: (206) 300-6874

King County: Department of Development and Environmental Services,  
*represented by* **Trishah Bull**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-6758  
Facsimile: (206) 296-7051

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:  
Department's Final Recommendation:  
Examiner's Decision:

Approve with conditions  
Approve with revised conditions  
Approve with revised conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened: October 31, 2006  
Hearing Closed: October 31, 2006

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

**1. General Information:**

Owner/Developer: Jihad Keirouz  
Dreamcatcher Homes  
13407 51<sup>st</sup> Avenue West  
Edmonds, WA 98026  
206-300-6874

Engineer: Barghausen Consulting Engineers, Inc.  
18215 72<sup>nd</sup> Avenue South  
Kent, WA 98032  
425-251-6222

STR: SE-10-26-05

Location: The property is located at 14235 NE 171<sup>st</sup> Street, south of the NE 171<sup>st</sup> Street and 143<sup>rd</sup> Place NE intersection in the unincorporated area adjacent to Woodinville.

Zoning: R-6-SO and R-8-SO  
Acreage: 3.32 acres  
Number of Lots: 20  
Density: 6.02 dwelling units per acre  
Lot Size: Ranges from approximately 3,100 to 5,500 square feet  
Proposed Use: Single-family detached dwellings  
Sewage Disposal: Woodinville Water District  
Water Supply: Woodinville Water District  
Fire District: King County District No. 36  
School District: Northshore School District No. 417  
Application Completeness Date: December 22, 2004

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and the DDES and King County Department of Transportation (KCDOT) testimony are found to be correct and are incorporated herein by reference.
3. The subject property is a 3.32-acre, long and narrow wedge-shaped parcel (the orientation of the long axis is north-south) abutting the Woodinville city limits on its north side. The north boundary also forms the property's public road frontage, on the south side of Northeast 171st Street opposite 143rd Place Northeast. The site terrain consists of a general grade to the southwest, in the east half with a steeply descending (westerly descending) hillside in the northeastern portion and some benching in the southeastern part, and in the western portion a more moderate descent to the southwest and then south in the southwest corner. Vegetation consists of scattered mixed-species trees and brush of typical Northwest species. No wetlands or streams are found onsite, although an offsite Class 2 stream, Woodin Creek, is close enough to the property (just offsite of the northeast corner) to require buffering on the subject property. The most steeply sloped area, in the northeast portion and ascending offsite, is identified as an environmentally sensitive area requiring a buffer. Structural development of the property

consists of single-family residence in the northern portion near Northeast 171st Street and part of a mostly offsite barn which encroaches into the southeastern portion of the site along the east boundary. The property is on the edge of the urbanizing area of Woodinville. The surrounding area consists of suburban single-family residences to the west, pasturelands to the south, and Woodin Creek and a large rural parcel with the aforementioned barn to the east.

4. Applicant Dreamcatcher Homes proposes subdivision of the property into 20 lots for single-family detached residential development. The residential density would be approximately 6.02 dwelling units per acre, with lot sizes ranging from approximately 3,100 to 5,500 square feet in area. Interior access to the lots would be provided by the extension of a public road cul-de-sac extending southerly into the site from an entry in the westernmost portion of the frontage and then curving into the middle of the site to run southerly and terminate in a bulb in the southern portion. A joint use driveway (Tract F) would extend further south to provide access to Lots 14 and 15. Tract C would be provided as a means for providing access to the limited development potential of the rural parcel to the east. Tract A would provide the Woodin Creek stream buffering required under the sensitive areas regulations. Tract D at the road entry would be a landscaping tract, while Tracts B and E would provide recreation and open space, with Tract E also providing area for storm drainage detention and water quality facilities in the southwest corner.
5. The recreation facilities proposed for the two proposed recreation tracts include play equipment with a bench and lawn area and a sports field in the southwest corner (Tract E). Those improvements have been generally spelled out in a preliminary, conceptual-level park recreation and landscaping plan; a final recreation plan will be required under county code to provide detail and specifications of the required recreation amenities.
6. The property is in the Sammamish River drainage basin and drains to Tributary 87 A of the Sammamish River. Development of the site has been proposed by the Applicant to be subject to Level 3 flow control to address downstream flooding and potential capacity problems; that is found by DDES to provide sufficient and appropriate mitigation under the Core Requirement 2 standards of the 1998 King County Surface Water Design Manual. Development drainage will be collected and conveyed to the combined detention/water quality stormwater vault proposed for the Tract E drainage/open space tract in the southwest corner. Metered release under the Level 3 flow control will be conveyed offsite via the existing drainage pattern in a drainage swale to the south across adjoining pastures and then downstream to the Sammamish River as described in the department report.
7. Traffic impacts of the proposed development would be adequately mitigated under applicable code requirements. The development has also received a concurrency certificate issued under Chapter 14.70 KCC, and will be subject to the standard collection of MPS mitigation fee payments under Chapter 14.75 KCC. The trip generation of the development falls below the threshold requiring mitigation of any significant adverse impacts to level of service-deficient intersections or high accident locations (none are evident in the record in any case) under Chapter 14.80 KCC.
8. Resident public schoolchildren will attend Northshore School District schools and all will be bused from a bus stop just to the west of the proposed development entry onto Northeast 171st Street, at the entry to the *Stafford-Hansell No. 5* subdivision directly abutting to the west. The walkway conditions to the bus stop location consists of sidewalks and shoulder improvements of pavement and gravel, and comprise sufficiently safe walking conditions for school pedestrians.

9. Sight distance at the proposed development entry onto Northeast 171st Street is a concern to some hearing participants. Stopping sight distance is available in conformity with county standards. (“Stopping sight distance” is the sight distance necessary for absolute safety so that vehicles traveling at the technical “design speed” (calculated at 38 miles per hour (mph) at this location based on a speed survey conducted by the Applicant’s traffic consultant) are able to be brought to a full stop before hitting an object seen in the roadway). Entering sight distance (“entering sight distance” is the distance necessary so that traveling vehicles are not slowed down by vehicles entering the road) is deficient somewhat to the east (485 feet compared to the required 529 feet), but that is expected to be easily remedied by offsite vegetation trimming in the Northeast 171st Street right-of-way and the frontage improvements on the subject frontage, which will require clear areas well back from the traveled way edge. (The sight distance standards reviewed are those of the 1993 King County Road Standards (KCRS). Since the entirety of Northeast 171st Street, the property’s fronting public road, lies within the City of Woodinville city limits, both the frontage improvements and the sight distance requirements may be subject to City standards. That issue will be decided during construction plan review and coordination between the two jurisdictions in such regard.) In addition, road illumination is required as part of the frontage improvements. The Examiner finds that the sight distance which will be made available by vegetation trimming and the installation of the development’s frontage improvements, aided by illumination, will conform to applicable standards and will therefore make “appropriate provisions” for roads in such regard.
9. An additional concern was expressed in the hearing regarding the steep slopes adjacent to and partly within the subject property, particularly about the potential for aggravation of surface water drainage impacts by vegetation removal and grading (cutting the toe of the slopes), leading to erosion and possible hillside failure. A geotechnical analysis has been required and reviewed by county staff. The geotechnical analysis will be implemented during construction plan review and approval. In addition, a buffer is required around the portions of the steepest slope areas onsite and within close proximity in the northeast corner, and development of the site will be subject to county grading code regulations and permit requirements.
10. A third concern was expressed regarding air quality impacts of the development during construction. The Examiner has no jurisdiction to review air quality impacts under the environmental review conducted for the proposed development pursuant to the State Environmental Policy Act (SEPA), since there was no appeal of the Determination of Non-Significance (DNS) issued by the responsible official (DDES). Development of the site, particularly during the construction period, will be subject to regional air quality regulations and county construction controls including dust management requirements.
11. Lastly, an additional concern expressed has to do with a substantial amount of buried concrete and asphalt waste deposited as fill in an onsite pit. DDES staff has been aware of such issue and it was what in part prompted the geotechnical report. The material will be removed if not found suitable and stable as fill material during development construction, and is the subject of a recommended condition by DDES, which notes that the material is considered not suitable for reuse as structural fill and likely will need to be removed from the site.
12. Chapter 21A.38 KCC’s special overlay requirement SO-220 (Significant Tree Overlay) applies to the property. The Significant Tree Overlay standards require the development to retain a percentage of the significant trees onsite. To implement KCC 21A.38.230, a detailed tree retention plan must be submitted with the engineering plans for the subdivision.

## CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-6-SO and R-8-SO zones.
2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
4. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on June 16, 2006, or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

## DECISION:

The preliminary plat of the *Woodin Creek Estates* subdivision, as revised and received June 16, 2006, is approved subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-6-SO and R-8-SO zone classifications. All lots shall meet the minimum dimensional requirements of the R-6-SO and R-8-SO zone classifications or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the fire flow and hydrant standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the approved preliminary plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the King County Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1998 SWDM and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
  - d. The drainage detention facility shall be designed to meet at a minimum the Level 3 Flow Control and Basic Water Quality menu in the 1998 KCSWDM.
  - e. The 100-year floodplain for any onsite streams or wetlands shall be shown on the engineering plans and the final plat per Special Requirement 2 of the KCSWDM.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
  - a. Road A shall be improved at a minimum to the urban subaccess street standard, with a standard cul-de-sac at the south end.
  - b. FRONTAGE: The frontage of the site shall be improved according to City of Woodinville standards unless otherwise approved by the City. Approved engineering plans from the City shall be included in the county engineering plans prior to the approval of the county engineering plans.
  - c. The proposed joint use driveway (Tract F) shall comply with Section 3.01 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be showed on the engineering plans and the final plat.
  - d. Sight distance shall be provided at the development entry onto Northeast 171st Street in conformity with applicable KCRS specifications, as may be modified and/or superseded by adopted City of Woodinville standards as administered by the City.
  - e. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS, or counterpart provisions in the City of Woodinville road standards, as applicable.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by

the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. There shall be no direct vehicular access to or from NE 171<sup>st</sup> Street from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
12. The planter island (if any) within the cul-de-sac shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
13. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
14. Preliminary plat review has identified the following specific requirements which apply to his project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

#### **Wetlands & Streams**

- a. The Class 2P stream shall have a 50-foot buffer as shown on the preliminary plat map dated June 16, 2006.
- b. All sensitive areas and their buffers shall be placed in Sensitive Area Tracts for long term protection.
- c. A fence, split-rail or similar, and signage shall be installed along the Sensitive Area Tract boundary for long term protection and to clearly mark the extent of the tract.
- d. A 15-foot building setback line (BSBL) is required from the edge of all Sensitive Area Tract and shall be shown on all affected lots.
- e. Impacts to sensitive areas and/or their buffers for construction activities such as road frontage improvements shall require mitigation. A mitigation plan shall be required during engineering review.
- f. Any in-stream work such as a culvert replacement or extension may require a Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife (WDFW). It is the applicant's responsibility to obtain an HPA if needed.

- g. Sensitive area tracts shall be marked with bright orange construction fencing during site construction activities. The fencing shall remain in place until construction activities are complete.
- h. The engineering plans shall be routed to Critical Areas staff for review of compliance to the above conditions.

### **Geotechnical**

- i. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer from the edge of these slopes. The buffer may be reduced with the submittal of a satisfactory soils report, subject to review and approval by a DDES geologist, prior to engineering plan approval.
  - j. The applicant shall delineate all onsite erosion hazard areas on the final engineering plans (erosion hazard areas are defined in KCC 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
  - k. The Applicant shall perform a subsurface exploration of the proposed grading and building areas, for the purposes of evaluating foundation and pavement support, uncontrolled fill conditions, excavation and retaining considerations, and other pertinent geotechnical issues. This work shall include an assessment of an area in the middle of the site that is underlain by a potentially large quantity of uncontrolled fill material, including concrete and asphalt rubble. This fill material, which was identified and described in a Preliminary Geotechnical Evaluation report by Icicle Creek Engineers dated December 16, 2004, is not suitable for reuse as structural fill and likely would need to be removed from the site.
15. The following note shall be shown on the final engineering plan and recorded plat:

#### **RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the



sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. A detailed recreation space plan (i.e., area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan. This plan must not conflict with the Significant Tree Inventory & Mitigation Plan.
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
18. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.

- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if NE 171<sup>st</sup> Street is on a bus route. If NE 171<sup>st</sup> Street is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
19. To implement KCC 21.A.38.230, Special District Overlay – significant trees, which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention and engineering plans shall be consistent with the requirements of KCC. No clearing of the site is permitted until the tree retention plan is approved by DDES. Flagging and temporary fencing of trees to be retained shall be provided, consistent with KCC. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except as may be permitted under the provisions of KCC.
- A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230B6. The tree retention plan shall be included as part of the final engineering plans for the subject plat.
20. In the event that any archaeological objects are uncovered on the site, the applicant shall comply with RCW Chapter 27.53, Archaeological Sites and Resources. Immediate notification and consultation with the State Office of Archaeology and Historical Preservation, King County Office of Cultural Resources and relevant tribes (including the Suquamish, Puyallup and Muckleshoot tribes) is required if discovered materials are prehistoric and a site is present.
21. Sprinkler Requirement. All future residences constructed on Lots 2 through 19 are required to be sprinklered NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement, driving surfaces between curbs must be a minimum of 28 feet in width when parking is allowed on one side of the roadway, and at least 36 feet in width when parking is permitted on both sides.

ORDERED November 21, 2006.

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Peter T. Donahue  
King County Hearing Examiner

TRANSMITTED November 21, 2006 to the following parties and interested persons of record:

Barghausen Consulting Eng. 18215 - 72nd Ave. S. Kent WA 98032	Mr. & Mrs. C. Bjorkegren 9216 - 169th Pl. NE Redmond WA 98052	James Bradrick & Joni Johnson 14121 NE 171st St. Woodinville WA 98072
Edward & Susan Bukovinsky 14515 NE 169th St. Woodinville WA 98072	Diane Citron 17058 - 142nd Pl. NE Woodinville WA 98072-9211	Dreamcatcher Homes Attn: Jihad Keirouz 13407 - 51st Ave. W Edmonds WA 98020
Jan Hunt P.O. Box 2792 Woodinville WA 98072	Charles Johnson Baker LLC 25870 Lk Fenwick Rd. S Kent WA 98032	George Knudtson, Jr. 17072 - 142nd Pl. NE Woodinville WA 98072
Lozier Homes, Corp. Attn: Jennifer McCall 1203 - 114th Ave. SE Bellevue WA 98004	Muckleshoot Indian Tribe Fisheries Dept. 39015 - 172nd Ave. SE Auburn WA 98092-9763	Seattle KC Health Dept. E. Dist. Environ. Health 14350 SE Eastgate Way Bellevue WA 98007
Kenneth Staats 271 - 4th Ave. S, #5 Edmonds WA 98020	Suzanne Staats 6523 - 37th Ave. NW Seattle WA 98117	JoAnne Wood 14602 NE 169th St. Woodinville WA 98072
Trishah Bull DDES/LUSD MS OAK-DE-0100	Kim Claussen DDES/LUSD MS OAK-DE-0100	Lisa Dinsmore DDES/LUSD MS OAK-DE-0100
Nick Gillen DDES/LUSD MS OAK-DE-0100	Shirley Goll DDES/LUSD MS OAK-DE-0100	Kristen Langley DDES/LUSD MS OAK-DE-0100
Steve Townsend DDES/LUSD MS OAK-DE-0100	Larry West DDES/LUSD MS OAK-DE-0100	Kelly Whiting KC DOT, Rd. Svcs. Div. MS KSC-TR-0231
Bruce Whittaker DDES/LUSD MS OAK-DE-0100		

#### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before December 5, 2006***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before December 12, 2006***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office

of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

**MINUTES OF THE OCTOBER 31, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0029.**

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Bruce Whittaker, Larry West and Kristen Langley, representing the Department; Ivana Halvorsen representing the Applicant, and Jan Hunt, JoAnne Wood.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services file no. L04P0029
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report, dated October 31, 2006
- Exhibit No. 3 Application for Land Use Permits received December 22, 2004
- Exhibit No. 4 SEPA Environmental checklist received December 22, 2004
- Exhibit No. 5 SEPA Determination of Non-significance issued October 13, 2006
- Exhibit No. 6 Affidavit of Posting indicating a posting date of February 9, 2005; received by DDES on February 18, 2005
- Exhibit No. 7 Preliminary plat map received June 16, 2006 (revised)
- Exhibit No. 8 Level 1 Offsite Drainage Analysis received June 16, 2006 (revised)
- Exhibit No. 9 Conceptual Grading & Drainage Plan received June 16, 2006 (revised)
- Exhibit No. 10 Wetland Assessment Report by Barghausen Engineering, received December 22, 2004
- Exhibit No. 11 Stream Assessment Report by Chad Armour, LLC, received December 22, 2004
- Exhibit No. 12 Preliminary Geotechnical Evaluation Report by Icicle Creek Engineering, received December 22, 2004
- Exhibit No. 13 Traffic Impact Analysis by Transportation Planning & Engineering, Inc.
- Exhibit No. 14 Radar Speed Survey & Sight Distance map received March 14, 2006
- Exhibit No. 15 Preliminary Park Landscape Plans received March 14, 2006
- Exhibit No. 16 King county Fire Engineering Conditions of Approval received October 26, 2006
- Exhibit No. 17 Emails of concern from Jan Hunt received October 24 (1) & 25 (2), 2006
- Exhibit No. 18 Additions to the Preliminary Report to the Hearing Examiner
- Exhibit No. 19 Traffic maps provided by Jan Hunt